

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES NOVEMBER 29, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on November 29, 2006 at 9:05 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley read a statement that the newspapers and appropriate elected officials had been notified of the meeting according to the requirements of the Open Public Meetings Act N.J.S.A. Chapter 231, PL 1975,/C. 10:4-18.

III. ROLL CALL

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph.
Jennifer Barron Government Member
Peter Halecky, R.Ph.
Marc Sturgill, PharmD
Margherita Lafragola, R.Ph. Arrived 9:25 a.m.
Axel Miranda Public Member Arrived 9:45 a.m.

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED

Thomas Egan, Pharm.D
Pamela Allen, R.Ph.

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION AND GRADE TRANSFER

Elvy Paiva moved, seconded by Jennifer Barron, to accept the Secretary's Report and Recommendation for Registration by Reciprocity. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Marc Sturgill moved, seconded by Jennifer Barron, to accept the Continuing Education report for November 29, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF OCTOBER

N/A

VII. OLD BUSINESS

1) Steven Strauss, PhD, R.Ph., Professor of Pharmacy Administration, Emeritus – Request for a waiver of NJAC 13:39 – 3A.1(a) in regards to 3 CE credits for pharmacy law This item was last before the Board on 9/27/06 at which time the Board requested additional information from Dr. Strauss Elvy Paiva moved, seconded by Thomas Bender, that the Board grant 6 live credits and 6 law credits for a total of 12 credits based upon NJAC 13:39-3A.3(a)3 and NJAC 13:39-3A.(a)6 for the license renewal period of May 1, 2005 thru April 30, 2007. The motion passed 6 to 1.

Elvy Paiva moved, seconded by Thomas Bender, that the Board notify Dr. Strauss that they do not have the authority to exempt individuals from CE requirements but they do have the statutory authority to waive for good cause per licensure period. The motion passed unanimously.

2) James DeCoursin, President & CEO, Syncom Pharmaceuticals, Fairfield, NJ – regarding the processing of prescriptions for a brand of levothyroxine This item was last before the Board on 10/11/06 at which time the Board requested that Mr. DeCoursin appear before the Board to answer questions regarding his program Thomas Bender moved, seconded by Elvy Paiva, that before the Board can render a decision, further investigation must be done since Syncom may fall under the jurisdiction of an intake pharmacy since the prescription is being mailed to them. Syncom is to provide to the Board an example of the order form; how the physician will be instructed to write a prescription; the name and address of the manufacturer; the name and address of the packager; and the names and addresses of the mail order pharmacies. The motion passed unanimously.

3) Immunization & Collaborative Practice Draft Regulations – Comments from the Board of Medical Examiners Jennifer Barron moved, seconded by Marc Sturgill, to move forward with the collaborative practice regulations to regulation proposal. The motion passed unanimously.

Marc Sturgill moved, seconded by Jennifer Barron, to accept the Immunization draft regulations with changes proposed. The motion passed unanimously.

VIII. NEW BUSINESS

1) Notice of Proposed Amendments and New Rules as published in the November 6, 2008 New Jersey Register at 38 N.J.R. 4630(a) The Board accepted it as informational.

2) ACPE Resolution Adopted on 10/2006 This item has been tabled.

3) ACPE Statement on Continuing Professional Development (CPD), 10/2006 The Board accepted it as informational.

4) George Zallie, Chairman of the Board & CEO, Zallie Supermarkets, Clementon, NJ – Regarding change of ownership and request to maintain same permit number Elvy Paiva moved, seconded by Margherita Lafragola, that this is a transfer of ownership and Mr. Zallie is to submit a new application; pay the required fee; no CDS inventory will have to be conducted or an inspection; and they may keep the same permit number. The motion passed unanimously.

5) Brian Callanan – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3 Peter Halecky moved, seconded by Marc Sturgill, that the Board is not granting a waiver of NJAC 13:39-3.2(a)3 but is accepting his retail work experience in combination with his experience with Premier Healthcare as the practice of pharmacy. The motion passed unanimously.

6) Marie Chantal Marseille – Regarding the requirements for reinstatement Elvy Paiva moved, seconded by Thomas Bender, to deny her request for waiver based on her inability to prove she requested an inactive license and she is required by statute to take the NAPLEX. The motion passed unanimously.

7) Alex Kardos, R.Ph., Director of Pharmacy Services, Robert Wood Johnson University Hospital at Hamilton, Hamilton, NJ – Requesting a waiver of NJAC 13:39 – 5.3(a) Elvy Paiva moved, seconded by Thomas Bender, to approve the waiver for an external signage. The motion passed unanimously.

IX. MITIGATIONS

1) Frank Falcone, RPIC, Montgomery Pharmacy, Jersey City, NJ

The Board determined to deny Mr. Falcone's request for mitigation of NJAC 13:39-4.14(b)1 (\$1,000.00 penalty).

2) Pravin K. Patel, RPIC, Family Pharmacy, Lindenwold, NJ

The Board determined to deny Mr. Patel's request for mitigation of NJAC 8:65-5.7 (\$1,000.00 penalty).

3) Moses Nwachuku-Nwokocha, RPIC, Surgi-Med Pharmacy, Lodi, NJ

The Board determined to mitigate the penalty letter of August 3, 2006 (\$1,200.00 penalty). 4) James Dean, RPIC, Lindenwold Hometown Pharmacy, Lindenwold, NJ

The Board determined to mitigate NJAC 8:65-5.7 (\$1,000.00 penalty).

5) Mario E. Principato, RPIC, Target, Linden, NJ

The Board determined to deny Mr. Principato's request for mitigation of NJAC 8-65.5.6(b); NJAC 13:39-6.2(d); and NJAC 13:39-4.5(a) (\$250.00).

Thomas Bender moved, seconded by Jennifer Barron, to accept the actions in the above mitigations. The motion passed unanimously.

X. FILED ORDERS FOR THE MONTHS OF OCTOBER

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) November 8, 2006 - This item has been tabled.

XIII. ADJOURNMENT

At 10:37 a.m., Margherita Lafragola moved, seconded by Elvy Paiva, to adjourn the Public Session Agenda and enter into Executive Session to review (5) consumer complaints, (3) New Business items, (11) Retail IV Permits; (33) Inspection reports and (2) Investigative Inquiries. The motion passed unanimously.

At 10:40 a.m., Peter Halecky moved, seconded by Elvy Paiva, to enter into Public Session to speak with Mr. DeCoursin of Syncom Pharmaceuticals regarding the processing of prescriptions for a brand of levothyroxine. The motion passed unanimously.

At 11:15 a.m., Thomas Bender moved, seconded by Peter Halecky, to enter into Executive Session for advise of counsel. The motion passed unanimously.

At 11:38 a.m., Peter Halecky moved, seconded by Elvy Paiva, to enter into Public Session to report the Board's determination regarding Syncom Pharmaceuticals. The motion passed unanimously.